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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,547	07/29/2003	Mark T. Marshall	P0011313.01/LG10126	7482
27581	7590	01/19/2011		
MEDTRONIC, INC. 710 MEDTRONIC PARKWAY NE MINNEAPOLIS, MN 55432-9924				
EXAMINER				
BAYS, PAMELA M				
ART UNIT		PAPER NUMBER		
3766				
NOTIFICATION DATE		DELIVERY MODE		
01/19/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ADVISORY ACTION

Response to Amendment

1. This Office Action is responsive to the After Final Amendment filed on 23 December 2010. As directed by the amendment: no claims have been amended or added, and Claim 16 has been cancelled. Thus, Claims 1-2 and 7-15 are presently pending in this application.

Response to Arguments

2. Applicant's arguments filed 23 December 2010 have been fully considered but they are not persuasive.
3. The Applicant argues that the purpose of the coating in the Carson is to enhance the ability of the electrodes to stimulate tissue, not prevent it. However, the limitation of Claim 1 recites, "allowing conduction therethrough while preventing contact between the second electrode and tissue in proximity to the second site." The Examiner's maintains that the Carson reference discloses the porous layer which would prevent this direct stimulation and therefore accomplish this result.
4. The Applicant further argues that the presence of a microprocessor is erroneous. However, the Examiner was providing this statement to clarify the rejection of reading on the limitation of means of delivering, as providing a control unit.
5. In response to Applicant's argument that coatings on Helland and Carson accomplish opposite results, the Examiner maintains that the coating on the Carson reference reads of the limitation of "allowing conduction therethrough while preventing contact between the second electrode and tissue in proximity to the second site,"

wherein the Helland reference teaches using two electrodes. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

6. The Applicant does not provide separate arguments regarding the 35 U.S.C. 103(a) rejections further in view of Hull et al, Soukup et al, and Kroll, and therefore these rejections are maintained by the Examiner.
7. Thus, Claims 1-2 and 7-15 remain rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela M. Bays whose telephone number is (571)270-7852. The examiner can normally be reached on Monday-Friday, 10:30am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl H. Layno can be reached on (571)272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl H. Layno/
Supervisory Patent Examiner, Art Unit 3766

/P. B./
Examiner, Art Unit 3766